IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Criminal Misc. Application No. 654 of 2006

Muneer Khan S/o Late Haidar Khan
R/o P.S. Pithoragarh
Takana Road Pithoragarh
District Pithoragarh

..... Petitioner

Vs.

1. State of Uttaranchal through
   District Magistrate, Pithoragarh
2. Superintendent of Police, Pithoragarh
3. Station House Officer Kotwali Pithoragh
4. Chief Judicial Magistrate, Pithoragarh
5. Sri Laxman Singh Tolia
   Senior Manager, Punjab National Bank
   Pithoragarh, District Pithoragarh ... Respondents

Sri Kurban Ali, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the applicant/petitioner who is facing trial in Criminal Case No. 419 of 2006 Muneer Khan Vs State of Uttaranchal & others under Sections 120-B, 419, 420 467, 468, 471 I.P.C. pending in the court of their Judicial Magistrate, Pithoragarh.

2. Brief facts giving rise to this petition are that the First Information Report was lodged against the petitioner.
The police investigated the matter and thereafter submitted the chargesheet against the petitioner on 27.12.2005 under Sections 120-B, 419, 420, 467, 468, 471 I.P.C. The petitioner has thus filed this petition for quashing the entire proceedings of the above mentioned criminal case.

3. Heard Sri Kurban Ali, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioner, I am of the view that there is no abuse of process of court in this case. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence, at this stage. Any judgment rendered by me would amount to premature judgment, especially under the circumstances where the evidence is yet to be adduced before the court concerned.

5. I do not find any ground for quashing the criminal proceedings at this stage. Therefore, the petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr. P.C. is dismissed.

(B.C. Kandpal, J.)

10.08.2006
ASWAL